REGISTER OF
CLASSIFICATION DECISIONS

Date of entry in Register:	15 March 1999
Name of applicant/court:	Malcolm Bruce Miller
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	High Times September 1997
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Trans-High Corporation
Author:	Not Applicable
Format:	Magazine
Country of Origin:	USA
Language:	English

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Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

That when the publication is on public display, the classification given to the publication must be shown on the publication; or any package in which the publication is kept
and
That the publication must be publicly displayed only in a sealed package.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The magazine entitled *High Times September 1997* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The magazine is aimed specifically at persons with an interest in the cultivation and legalisation of marijuana. It combines articles on politics, society, and lifestyle (many of which have a marijuana focus), with botanical information on how to grow marijuana.

Consideration has been given to the extent and degree to which, and the manner in which, the publication promotes or encourages criminal activity. The publication does promote or encourage such activity, to a certain degree. This is either through direct instruction on the cultivation of marijuana (for example, technical articles on how to grow marijuana); through the offer for sale of products intended to facilitate its cultivation or consumption; or, more generally, through the magazine's systematic endorsement of the use of marijuana as a legitimate and enhancing lifestyle choice.

Several factors can be weighed against this, and detract from the degree to which the publication promotes or encourages criminal activity. The first is the fact that a significant portion of the magazine provides political commentary advocating the legalisation of marijuana. This is a debate that is as valid in New Zealand as it is to the American readership that this magazine primarily addresses. To the extent that it provides a forum for the expression of the pro-legalisation side of the debate, the magazine has legitimate and serious purpose. Secondly, the magazine also contains a number of articles of more general political interest. These articles reflect the magazine's environmental, counter-culture orientation, and, as with the material around legalisation, give expression to a legitimate political viewpoint.

Also considered in determining the magazine's classification is the fact that the magazine appears to be pitched at a mature audience, which is already familiar with the use of marijuana. The magazine does not seek to persuade persons unfamiliar with the drug to try it; nor does it contain articles that are likely to appeal to a youthful audience. It is significant that, in New Zealand, it is young people who are considered most at risk of marijuana abuse.

Given the extent to which the magazine does promote and encourage the cultivation and consumption of marijuana, a restriction on its availability to an adult audience is necessary to minimise the likelihood of injury to the public good. It is considered that the political content of the magazine is directed at an adult audience. Such an audience is therefore more likely to use the magazine for its legitimate purposes. An adult audience is also more likely to have ready-established viewpoints on marijuana use, and less likely to be persuaded by the nature of the content to experiment with the drug.

A restriction on the publication's availability to an adult audience is considered the least level of restriction that can be placed on the publication's availability, consistent with the intent of the Films, Videos, and Publications Classification Act 1993 to minimise likely injury to the public good. The classification is therefore a reasonable and demonstrably justified limitation on the rights and freedoms specified in s14 of the New Zealand Bill of Rights Act 1990.

OFLC Ref: 9801331